

**MINUTES OF
FAUQUIER COUNTY BOARD OF ZONING APPEALS
July 10, 2003**

The Fauquier County Board of Zoning Appeals held its regularly scheduled meeting on Thursday, July 10, beginning at 2:00 P.M. at the Town of Warrenton Police Department, 333 Carriage House Lane, Warrenton, Virginia. Members present were Mrs. Margaret Mailler, Chairperson; Mr. John Meadows, Secretary; Mr. James Van Luven; Mr. Maximilian A. Tufts, Jr.; and Mr. Mark Rohrbaugh. Also present were Mr. Paul McCulla, County Attorney; Ms. Kimberley Johnson, Zoning Administrator; Ms. Holly Meade, Planner; and Ms. Nancy Albert, Office Associate III.

MINUTES: On the motion made by Mr. Tufts and seconded by Mr. Rohrbaugh the Board of Zoning Appeals voted to make the following corrections to the May 1, 2003 minutes:

- on page 8 the word “they” in the third paragraph should be “that”.
- on Page 10 the word “building” in the third paragraph should be “build”.

The motion carried unanimously.

On the motion made by Mr. Tufts and seconded by Mr. Meadows the Board of Zoning Appeals voted to approve the corrected minutes of the May 1, 2003 meeting.

The motion carried unanimously.

On the motion made by Mr. Meadows and seconded by Mr. VanLuven the Board of Zoning Appeals voted to make the following correction to the June 5, 2003 minutes:

- on Page 4 the last sentence should read “Mr. Meadows stated the measurement needs to be exact to grant the variance and may need to be deferred until the next scheduled meeting.”

The motion carried unanimously.

On the motion made by Mr. Meadows and seconded by Mr. VanLuven the Board of Zoning Appeals voted to approve the corrected minutes of the June 5, 2003 meeting.

The motion carried unanimously.

LETTERS OF NOTIFICATIONS & PUBLIC NOTICE: Ms. Johnson stated that to the best of her knowledge, the cases before the Board of Zoning Appeals for a public hearing had been properly advertised, posted, and letters of notification sent to adjoining property owners. Ms. Albert read the Public Hearing Protocol.

SPECIAL PERMIT #51090 ROY & LOU ANNE BOATWRIGHT (OWNERS)

Applicants are requesting a special permit for sales, service, repair and rental of heavy trucks, vans, equipment and trailers, to include inventory awaiting restoration. The subject property is identified as PIN #7906-00-9413, located at 5391 Telephone Road, Scott District, Warrenton, Virginia.

Ms. Johnson stated that a BZA visit was made this morning, and she reviewed the staff report, a copy of which is attached to and made a part of the minutes.

Mrs. Angela Barlow, attorney, appeared at the meeting representing the application and noted agreement with the staff report. Mrs. Barlow presented pictures of the property as it is today and stated there is VDOT, John Marshall, and Health Department approval. The landscaping has been completed, however staff has commented there should be more trees and Mr. Boatwright would comply with their request. Mr. Merkli's portion of the property is in compliance with a by-right use. The number of vehicles is tied to the nature of the business to buy them in bulk and restore them. The vehicles will be stored on the far portion of the property and may take up to 18 months to make vehicles operable. This is an appropriate use of the property. Mr. Boatwright has tried to address the concerns of staff and has spent a considerable amount of money.

Mr. Meadows asked how many acres are in the green area and Mrs. Barlow said 2.4 acres.

Mr. Meadows asked why there are 85 – 90 vehicles currently on the property and Mrs. Barlow said in order to make the business feasible vehicles need to be bought in bulk.

Mr. Rohrbaugh asked how Mr. Boatwright would comply with the set number of vehicles and Mrs. Barlow said he is able to take delivery of the vehicles in increments.

Mr. VanLuven asked if the number of vehicles may be reduced and Mrs. Barlow said no, however the vehicles would be stored on the far portion of the property.

Mr. VanLuven asked how the gas and lubricants are disposed and Mr. Boatwright said like a garage.

Mr. Meadows asked how much acreage is in the green area of the drawing for vehicles awaiting restoration and Mrs. Barlow said less than an acre.

Mrs. Mailler asked which vehicles are considered "awaiting restoration" and Mrs. Barlow said according to the Zoning Ordinance those that can pass state inspection.

Mrs. Mailler asked why the increase in the hours of operation and Mrs. Barlow said there are times when Mr. Boatwright works late, however he is flexible with the hours.

Mr. VanLuven asked what is the difference between vehicles for parts vs. vehicles awaiting restoration and Mrs. Barlow said vehicles beyond repair are for parts, however according to the Zoning Ordinance both are considered inoperable.

Mr. VanLuven asked how long the vehicles are held on site before removal and Mrs. Barlow said no more than 18 months.

Mr. Boatwright stated clients, for example Postal Workers, call for restored vehicles, the others are crushed and removed by Davis Industry.

Mr. Meadows stated the one acre is elevated where the fluids would be drained from the vehicles and he would like to see that area concreted. Mr. Boatwright said he would be willing to concrete that acre.

Mr. Meadows commented this is a land use issue and we need to consider what it effects downstream.

Mr. Peter Jackson, adjoining neighbor in Snow Hill, presented a letter to the Board, which will become part of the minutes. He stated he had several concerns including: use is not compatible, potential of 150 vehicles, salvage yard, no sanitary facilities, no license on record, eyesore, right-of-way entrance is used by 5 properties, big vehicles, buffer waiver – no screening and performance bond.

Mr. Meadows asked if Mr. Boatwright owns the entire parcel and Mrs. Barlow said not the Auto Body.

Mr. Rohrbaugh asked if the drainfield is on someone else's property and Mr. Boatwright said yes, however it use to be one parcel.

On a motion made by Mr. Meadows, seconded by Mr. VanLuven, the case is deferred for 30 days to work out conditions. The public hearing is closed.

The motion carried unanimously.

VARIANCE #51377 JOHN D. PIVK (OWNER)

Applicant is requesting a variance from the side yard setback to construct an attached garage, identified as PIN #7915-33-9490, located at 7204 Sunrise Court, Scott District, Warrenton, Virginia.

Ms. Johnson reviewed the staff report, a copy of which is attached to and made a part of the minutes.

Mr. John Pivk appeared, representing his application, and noted agreement with the staff report.

Mr. Rohrbaugh asked if the garage could be relocated. Mr. Pivk said it would not be practical.

Mr. Meadows asked when Mr. Pivk purchased the house. Mr. Pivk said two years ago, however he was unaware of the building setbacks.

Mr. Meadows stated he was not comfortable with a garage 3 foot from the property line.

Mr. VanLuven agreed with Mr. Meadows and stated physical disability is not a hardship for a variance.

On a motion made by Mr. Meadows, seconded by Mr. VanLuven, the BZA noted that due notice and hearing as required by the Code of Virginia Section 15.2-2204 and Fauquier County Code Section 5-009 had been provided, and voted to deny the variance, with the following findings:

Findings

1. The property was acquired in good faith; and
2. Strict application of the Ordinance would not effectively prohibit or unreasonably restrict use of the property;
3. The strict application of the Ordinance will not produce undue hardship.
4. Such hardship is generally shared by other properties in the same zoning district and the same vicinity, and is of so general and reoccurring a nature as to make reasonably practical the formation of a general regulation to be adopted as an amendment to the Ordinance.
5. The authorization of the variance will be of substantial detriment to adjacent property and that the character of the district will be changed by the granting of the variance.

Mr. Rohrbaugh asked for discussion in which he stated there is a problem that we do not have an exception for a case like this. Homes should be handicapped accessible and there seems to be something missing in the Zoning Ordinance. There needs to be a change to the Ordinance.

The motion carried on a vote of 4 Ayes, 1 Nay.

APPEAL – WKCW RADIO (OWNER) & MERLE E. FALLON, ESQ. (REPRESENTATIVE)

Mr. Merle Fallon, attorney, has filed an appeal to an interpretation made by the Zoning Administrator regarding as to whether Section 2-506 of the Fauquier County Zoning Ordinance applies to radio towers.

Ms. Kimberley Johnson, Zoning Administrator, stated that the issue of appeal was whether Section 2-506 of the Fauquier County Zoning Ordinance applies to WKCW AM Radio Tower. Ms. Johnson stated Section 2-506 is not relevant and she described the rationale for her interpretation on this issue. She stated that Category 20 of the Zoning Ordinance is the correct category for the use and Article 11 does apply and described the rationale for her interpretation.

Mr. Merle Fallon, attorney for WKCW Radio, provided a notebook of material to the Board, which is made part of the minutes. He went through the material section by section and explained the Telecommunications Ordinance wasn't intended to regulate AM Radio towers.

On a motion made by Mrs. Mailler, seconded by Mr. VanLuven, it was suggested to defer the case for 30 days to review the material presented today.

Mr. Fallon requested a 30-day delay.

On a motion made by Mr. VanLuven, seconded by Mr. Rohrbaugh, the case is deferred for 30 days to review material

The motion carried unanimously.

SPECIAL PERMIT #51553 RUTH N. EMBREY (OWNER)

Applicant is requesting special permit approval to renew a special permit approved on October 4, 2001 to hold up to six yard sales a year, identified as PIN #7807-61-8750, located at 12505 Harpers Run Road, Cedar Run District, Bealeton, Virginia.

Ms. Meade reviewed the staff report, a copy of which is attached to and made a part of the minutes.

Mrs. Ruth Embrey appeared, representing her application, and noted agreement with the staff report.

Mrs. Mailler asked if Mrs. Embrey agreed with the conditions of the previous permit and she said yes.

Mr. Meadows stated “during daylight hours” should be a condition.

On a motion made by Mr. VanLuven, seconded by Mr. Meadows, the BZA noted that due notice and hearing as required by the Code of Virginia Section 15.2-2204 and Fauquier County Code Section 5-009 had been provided, and voted to approve the special permit, with the following findings and conditions:

Findings

1. The proposed use will not adversely affect the use or development of neighboring properties.
2. It is in accordance with the applicable zoning district regulations and to applicable provisions of the adopted Comprehensive Plan, and does conform to the general standards set forth in Section 5-006(1) through (9) of the Zoning Ordinance of Fauquier County, which sections are incorporated in this Motion as if fully set forth.
3. The use will be compatible with the neighborhood in which it is to be located.
4. The application does comply with the specific standards in Section 6-102 which apply to the use in question.

Conditions

5. The special permit is granted subject to the conditions of prior approval, except the time limitation is four years and yard sales will be during daylight hours.

The motion carried unanimously.

VARIANCE #51590 JENNIFER K. ARMSTRONG (OWNER)

Applicant is requesting a variance from the railroad setback to construct a single family dwelling, identified as PIN #6011-63-9132, located on Fiery Run Road, Marshall District, Markham, Virginia.

Ms. Johnson reviewed the staff report, a copy of which is attached to and made a part of the minutes.

Mrs. Jennifer Armstrong appeared, representing her application, and noted agreement with her application. She stated the variance requested is 83'2".

On a motion made by Mr. Tufts, seconded by Mr. Rohrbaugh, the BZA noted that due notice and hearing as required by the Code of Virginia Section 15.2-2204 and Fauquier County Code Section 5-009 had been provided, and voted to approve the variance, with the following findings:

Findings

1. The property was acquired in good faith;
2. Strict application of the Ordinance would effectively prohibit or unreasonably restrict use of the property;
3. The granting of the variance will alleviate a clearly demonstrable hardship approaching confiscating, and is distinguished from a special privilege or convenience sought by the applicant.
4. The hardship or restrictions on the use of the property are by reason of:
 - (a) exceptional narrowness, shallowness, size or shape of the property at the time of the effective date of the ordinance;
5. The variance will be in harmony with the intended spirit and purpose of the Ordinance, and would result in substantial justice being done.
6. The strict application of the Ordinance will produce undue hardship.
7. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity and is not of so general or recurring a nature as to make reasonably practical the formation of a general regulation to be adopted as amendment to the Ordinance.

8. The authorization of the variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.
9. The minimum variance that is necessary to afford relief is 83 feet 2 inches.

The motion carried unanimously.

VARIANCE #51632 JEFFREY P. & DAWNITA T. CALDERONE

Applicants are requesting a variance from the rear property setback to construct a deck, identified as PIN #6985-79-9097, located at 6455 Imagination Way, Scott District, Warrenton, Virginia.

Ms. Johnson reviewed the staff report, a copy of which is attached to and made a part of the minutes.

Mr. Jeffrey Calderone appeared, representing his application, and noted agreement with the staff report. He stated he was ignorant of the setback regulations when he purchased the property, however the back yard does have a steep slope.

Mrs. Mailler asked Mr. Calderone if he built the house and he said it was purchased as a shell.

Mr. Meadows asked Mr. Calderone if he was aware he could build a six foot deck and Mr. Calderone said yes, however he wants a larger deck.

Mr. Meadows asked Mr. Calderone if he questioned the builder about the setbacks and he said no.

On a motion made by Mr. VanLuven, seconded by Mr. Meadows, the BZA noted that due notice and hearing as required by the Code of Virginia Section 15.2-2204 and Fauquier County Code Section 5-009 had been provided, and voted to deny the variance, with the following findings:

Findings

1. The property was acquired in good faith; and
2. Strict application of the Ordinance would not effectively prohibit or unreasonably restrict use of the property;
3. The granting of the variance will not alleviate a clearly demonstrable hardship approaching confiscation, and is not distinguished from a special privilege convenience sought by the applicant.
4. Any hardship or restriction on the use of the property is not by reason of:

- (a) exceptional narrowness, shallowness, size or shape of the property at the time of the effective date of the ordinance;
- 5. The variance will not be in harmony with the intended spirit and purpose of the Ordinance, and would not result in substantial justice being done.
- 6. The strict application of the Ordinance will not produce undue hardship.
- 7. Such hardship is generally shared by other properties in the same zoning district and the same vicinity, and is of so general and reoccurring a nature as to make reasonably practical the formation of a general regulation to be adopted as an amendment to the Ordinance.
- 8. The authorization of the variance will be of substantial detriment to adjacent property the character of the district will be changed by the granting of the variance.

The motion carried unanimously.

SPECIAL PERMIT #51780 CLARK'S GUN SHOP, INC. (OWNER)

Applicants are requesting two special permit approvals to locate a motor freight terminal and a contractor's office and material storage yard on the properties. The subject properties are identified as PIN #6980-38-3754, #6980-38-1267, and #6980-38-0442, located at 10177 James Madison Highway, Lee District, Warrenton, Virginia.

Ms. Meade stated that a BZA visit was made this morning, and she reviewed the staff report, a copy of which is attached to and made a part of the minutes.

Mr. Steve Clark appeared, representing his application, and noted agreement with the staff report. He stated the property is for sale and the tenants have a month-to-month lease.

Mrs. Mailler asked if there were two access points to Route 29 and he said yes, however there is no access to Route 17.

Mr. Rohrbaugh asked Mr. Clark if he was aware of the VDOT comment and he said yes.

On a motion made by Mr. Meadows, seconded by Mr. Rohrbaugh, the BZA noted that due notice and hearing as required by the Code of Virginia Section 15.2-2204 and Fauquier County Code Section 5-009 had been provided, and voted to approve the special permit for a motor freight terminal, with the following findings and condition:

Findings

- 1. The proposed use will not adversely affect the use or development of neighboring properties.

2. It is in accordance with the applicable zoning district regulations and to applicable provisions of the adopted Comprehensive Plan, and does conform to the general standards set forth in Section 5-006(1) through (9) of the Zoning Ordinance of Fauquier County, which sections are incorporated in this Motion as if fully set forth.
3. The use will be compatible with the neighborhood in which it is to be located.
4. The application does comply with the specific standards in Section 5-2101 which apply to the use in question.

Condition

5. The special permit is granted subject to the condition of site plan approval.

The motion carried unanimously.

On a motion made by Mr. Meadows, seconded by Mr. Tufts, the BZA noted that due notice and hearing as required by the Code of Virginia Section 15.2-2204 and Fauquier County Code Section 5-009 had been provided, and voted to approve the special permit for a contractor's office and material storage yard, with the following findings and condition:

Findings

1. The proposed use will not adversely affect the use or development of neighboring properties.
2. It is in accordance with the applicable zoning district regulations and to applicable provisions of the adopted Comprehensive Plan, and does conform to the general standards set forth in Section 5-006(1) through (9) of the Zoning Ordinance of Fauquier County, which sections are incorporated in this Motion as if fully set forth.
3. The use will be compatible with the neighborhood in which it is to be located.

Condition

4. The special permit is granted subject to the condition of site plan approval.

SPECIAL PERMIT #51809 JAMES W. & EDEL M. KUNKEL (OWNERS)

Applicants are requesting special permit approval to amend a condition for hours of operation of special permit #51307 approved on May 1, 2003 for a preschool. The subject property is identified as PIN #6947-10-8248, located at 6089 John Barton Payne Road, Marshall, *Marshall District*.

Ms. Johnson reviewed the staff report, a copy of which is attached to and made a part of the minutes.

Mrs. Edel Kunkel appeared, representing her application, and noted agreement with the staff report. She stated she would like to extend the hours of the preschool due to inquiries from parents.

Mrs. Mailler asked Mrs. Kunkel if lunch would be provided and she said the children would bring a lunch to place in the refrigerator.

On a motion made by Mr. VanLuven, seconded by Mr. Meadows, the BZA noted that due notice and hearing as required by the Code of Virginia Section 15.2-2204 and Fauquier County Code Section 5-009 had been provided, and voted to approve the special permit, with the following findings and conditions:

Findings

1. The proposed use will not adversely affect the use or development of neighboring properties.
2. It is in accordance with the applicable zoning district regulations and to applicable provisions of the adopted Comprehensive Plan, and does conform to the general standards set forth in Section 5-006(1) through (9) of the Zoning Ordinance of Fauquier County, which sections are incorporated in this Motion as if fully set forth.
3. The use will be compatible with the neighborhood in which it is to be located.
4. The application does comply with the specific standards in Sections 5-501 and 5-503 which apply to the use in question.

Conditions

5. The special permit is granted subject to the conditions of prior approval, except the hours of operation will be 8:45 am – 2:30 pm.

The motion carried unanimously.

SPECIAL PERMIT #51842 GEORGE A. HORKAN, III (OWNER) & TONY HORKAN (APPLICANT)

Applicant is requesting to renew and amend special permit approved August 1, 2002 for an indoor technical school. The subject property is identified as PIN #6054-75-7688, located at 9151 John S. Mosby Highway, Marshall District, Upperville.

Ms. Johnson reviewed the staff report, a copy of which is attached to and made a part of the minutes.

Mr. Tony Horkan appeared, representing his application, and noted agreement with the staff report.

Mr. Meadows asked Mr. Horkan if he had an agreement with the Church for parking and he said yes.

Mr. Meadows asked if the time limitation could be removed and Mr. McCulla suggested the special permit be advertised again for next month with no time limitation as long as Mr. Horkan owned the property.

Mr. Rohrbaugh stated he did not feel comfortable with having no time limitation due to the parking agreement with the Church and Mr. Horkan said the parking agreement does not have an expiration date.

Mr. Horkan stated he asked Mr. Hodge if he could change the application and he said yes.

Mr. Meadows asked Mr. Horkan if he would like to defer to the next meeting to change the time limitation and he said no.

On a motion made by Mr. Tufts, seconded by Mr. Rohrbaugh, the BZA noted that due notice and hearing as required by the Code of Virginia Section 15.2-2204 and Fauquier County Code Section 5-009 had been provided, and voted to approve the special permit, with the following findings and conditions:

Findings

1. The proposed use will not adversely affect the use or development of neighboring properties.
2. It is in accordance with the applicable zoning district regulations and to applicable provisions of the adopted Comprehensive Plan, and does conform to the general standards set forth in Section 5-006(1) through (9) of the Zoning Ordinance of Fauquier County, which sections are incorporated in this Motion as if fully set forth.
3. The use will be compatible with the neighborhood in which it is to be located.
4. The application does comply with the specific standards in Sections 5-501 and 5-504 which apply to the use in question.

Conditions

5. The special permit is granted subject to the conditions of prior approval, except the hours of operation on Saturday will be 9:00 am – 1:00 pm and the time limitation is seven years.

The motion carried unanimously.

Mrs. Mailler recessed the meeting at 4:25 pm and the Board returned to session at 4:30 pm.

SPECIAL PERMIT #51873 WARRENTON CHURCH OF CHRIST TEES (OWNER)

Applicants are requesting special permit approval to locate a preschool with a maximum of 80 children. The subject property is identified as PIN #6985-90-1007, located at 6398 Lee Highway Access Road, Center District, Warrenton.

Ms. Johnson Meade stated that a BZA visit was made this morning, and she reviewed the staff report, a copy of which is attached to and made a part of the minutes.

Mr. Nick Wheeler appeared, representing the application, and noted agreement with the staff report.

Mrs. Mailler asked Mr. Wheeler if they would use Mosby Drive for access and if the children would bring a lunch and he said yes.

Mr. VanLuven asked why they wanted a maximum of 80 children and Mr. Wheeler said they had already pre registered more than 60 children.

On a motion made by Mr. Meadows, seconded by Mr. VanLuven, the BZA noted that due notice and hearing as required by the Code of Virginia Section 15.2-2204 and Fauquier County Code Section 5-009 had been provided, and voted to approve the special permit, with the following findings and conditions:

Findings

1. The proposed use will not adversely affect the use or development of neighboring properties.
2. It is in accordance with the applicable zoning district regulations and to applicable provisions of the adopted Comprehensive Plan, and does conform to the general standards set forth in Section 5-006(1) through (9) of the Zoning Ordinance of Fauquier County, which sections are incorporated in this Motion as if fully set forth.
3. The use will be compatible with the neighborhood in which it is to be located.
4. The application does comply with the specific standards in Sections 5-501 and 5-503 which apply to the use in question.

Conditions

5. The special permit is granted subject to the conditions of :

maximum of 80 children

hours of operation Monday thru Friday 8:00 am – 3:30 pm

age of children will be 3 to 5 years of age

facility will be accessed using Mosby Drive

site plan approval

The motion carried unanimously.

SPECIAL PERMIT #51875 PAULA K. ZEGLIN & STEVEN B. TRIANTAFELL (OWNERS)

Applicants are requesting special permit approval to construct a single family dwelling of 38' 4" in height. The subject property is identified as PIN #6944-55-1780, located on Leeds Manor Road, Marshall District, Marshall.

Ms. Johnson Meade stated that a BZA visit was made this morning, and she reviewed the staff report, a copy of which is attached to and made a part of the minutes.

Mr. Steve Triantafell appeared, representing his application, and noted agreement with the staff report. He stated the property is heavily wooded and only one neighbor would have line of site of the house.

On a motion made by Mr. Tufts, seconded by Mr. Meadows, the BZA noted that due notice and hearing as required by the Code of Virginia Section 15.2-2204 and Fauquier County Code Section 5-009 had been provided, and voted to approve the special permit for a motor freight terminal, with the following findings and condition:

Findings

1. The proposed use will not adversely affect the use or development of neighboring properties.
2. It is in accordance with the applicable zoning district regulations and to applicable provisions of the adopted Comprehensive Plan, and does conform to the general standards set forth in Section 5-006(1) through (9) of the Zoning Ordinance of Fauquier County, which sections are incorporated in this Motion as if fully set forth.
3. The use will be compatible with the neighborhood in which it is to be located.
4. The application does comply with the specific standards in Section 5-2401 which apply to the use in question.

Condition

5. The special permit is granted subject to the condition of construct a single family dwelling 38' 4" in height.

The motion carried unanimously.

SPECIAL PERMIT #51881 JEFFREY H. & LYNETTE BATES (OWNERS)

Applicants are requesting special permit approval to construct an addition to an existing single family dwelling located in C-1 zoning. The subject property is identified as PIN #6969-58-2485, located at 8398 Main Street, Marshall District, Marshall.

Ms. Meade stated that a BZA visit was made this morning, and she reviewed the staff report, a copy of which is attached to and made a part of the minutes.

Mr. Jeff Bates appeared, representing his application, and noted agreement with the staff report.

Mr. Meadows asked if the proposed boundary line adjustment would still allow the adjoining property to conform and Ms. Meade said yes.

On a motion made by Mr. VanLuven, seconded by Mr. Rohrbaugh, the BZA noted that due notice and hearing as required by the Code of Virginia Section 15.2-2204 and Fauquier County Code Section 5-009 had been provided, and voted to approve the special permit for a motor freight terminal, with the following findings and condition:

Findings

1. The proposed use will not adversely affect the use or development of neighboring properties.
2. It is in accordance with the applicable zoning district regulations and to applicable provisions of the adopted Comprehensive Plan, and does conform to the general standards set forth in Section 5-006(1) through (9) of the Zoning Ordinance of Fauquier County, which sections are incorporated in this Motion as if fully set forth.
3. The use will be compatible with the neighborhood in which it is to be located.
4. The application does comply with the specific standards in Section 5-2401 which apply to the use in question.

Condition

5. The special permit is granted subject to the condition of construct an addition to an existing family dwelling within a C-1 zoning.

The motion carried unanimously.

SPECIAL PERMIT #51887 DAVID M. GLASCOCK (OWNER) & RONALD L. & BARBARA G. HOYLMAN (CONTRACT OWNERS)

Applicants are requesting special permit approval to locate a car wash on the property. The subject property is identified as PIN #6969-79-5537, located on Main Street, Marshall, *Marshall District*.

Ms. Meade stated she received a fax requesting to defer the special permit until the next meeting.

On a motion made by Mr. Rohrbaugh, seconded by Mr. Tufts, the BZA voted to defer the special permit until the next scheduled meeting.

The motion carried unanimously.

SPECIAL PERMIT #51898 THE PLAINS REDEVELOPMENT CORP. (OWNER)

Applicants are requesting special permit approval for a Community Farmers Market. The subject property is identified as PIN #6989-73-8911, located on Route 245, The Plains, *Scott District*.

Ms. Meade stated that a BZA visit was made this morning, and she reviewed the staff report, a copy of which is attached to and made a part of the minutes.

Mr. Earl Duple appeared, representing the application, and noted agreement with the staff report. He stated the farmers market has operated successfully for five years and has complied with the special permit.

On a motion made by Mr. Rohrbaugh, seconded by Mr. Meadows, the BZA noted that due notice and hearing as required by the Code of Virginia Section 15.2-2204 and Fauquier County Code Section 5-009 had been provided, and voted to approve the special permit, with the following findings and conditions:

Findings

1. The proposed use will not adversely affect the use or development of neighboring properties.
2. It is in accordance with the applicable zoning district regulations and to applicable provisions of the adopted Comprehensive Plan, and does conform to the general standards set forth in Section 5-006(1) through (9) of the Zoning Ordinance of Fauquier County, which sections are incorporated in this Motion as if fully set forth.
3. The use will be compatible with the neighborhood in which it is to be located.
4. The application does comply with the specific standards in Section 5-1813 which

apply to the use in question.

Conditions

5. The special permit is granted subject to the conditions:

dustless surface waiver

hours of operation are daylight hours

corn maze to have eight employees maximum

site plan amendment

Mr. Meadows suggested a committee of two members meet with staff to consider the conditions for the Boatwright special permit. Mr. Meadows and Mr. Tufts volunteered for the committee.

ADJOURNMENT: There being no further business before the Board, the meeting adjourned at 5:10 P.M.

Margaret Mailler, Chairman

John Meadows, Secretary

Copies of all files and materials presented to the Board are attached to and become a part of these minutes. A tape recording of the meeting is on file for one year.

C:\bza files\2003 minutes\07-10-03.doc